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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JSB, a minor, by his parents and natural guardians MARINA DIAZ and JOSE DIAZ.

**Plaintiff,**

Case No.: 3:14-cv-00436-LRH-WGC

VS.

CARSON CITY DEPUTY SHERIFF  
HARRY W. WHEELER.

## MOTION TO LIFT STAY

Defendant

Comes Now, Plaintiff, JSB, a minor, by his parents and natural guardians MARINA DIAZ and JOSE DIAZ, and hereby move that the Court lift the stay in this matter issued on November 14, 2015. This Motion is based on the following Memorandum of Points and Authorities.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

On November 14, 2015, the Court issued an Order (Doc. #28) denying the Defendant's Motion for Summary Judgment without prejudice. The Court also stayed this matter pending decision of the Nevada Supreme Court and ordered the parties to submit and file joint status reports every 6 months after entry of this order updating the court on the appellate proceedings.

1       On March 5, 2016, the Plaintiff filed a Notice of Dismissal of Related Juvenile  
2 Proceedings (Doc. #29). Therein, the orders from the Nevada Supreme Court and the First  
3 Judicial District Court dismissing and vacating the underlying juvenile charge against JSB  
4 are attached.

5       Based on the ruling from the Nevada Supreme Court and the First Judicial District  
6 Court, there can no longer be any adverse ruling that could preclude liability for the  
7 Defendant under *Heck v. Humphrey*, 512 U.S. 477 (U.S. 1994).

8       Based on the unique procedural situation in this matter, the Plaintiff believes a status  
9 conference would help the Court and the parties ascertain the best way to proceed with this  
10 case, and respectfully requests that the Court grant this Motion lifting the stay on this case  
11 and hold such a status conference.

13      RESPECTFULLY submitted this Thursday, March 31, 2016.

14      By: Luke A. Busby

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21      Attorney for Plaintiff

## **CERTIFICATE OF SERVICE**

I hereby certify that on Thursday, March 31, 2016, I electronically transmitted the forgoing pleading to document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel registered to receive Electronic Filings and/or I mailed the forgoing pleading to the address below by US Mail postage prepaid.

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By: Luke Busby  
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